

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CV 13-0966 RB/LAM
CR 10-3160 RB**

MARIO DEVONNE WASHINGTON,

Defendant/Movant.

ORDER

THIS MATTER is before the Court on Defendant/Movant's (hereinafter "Defendant") *Motion for Reconsideration as to the Motion to Appoint Counsel* (Doc. 32), and *Motion to Reconsider Motion to Produce and Motion to Compel* (Doc. 33). Having considered the motions, record of the case, and relevant law, the Court **FINDS** that the motions shall be **DENIED**.

Defendant asks the Court to reconsider its order denying Defendant's motion to appoint counsel (Doc. 22) and motions for discovery (Docs. 4 and 23). See [Docs. 32 and 33, asking the Court to reconsider its decisions in Doc. 26]. In Document 26, the Court explained that there is generally no federal constitutional right to counsel in a proceeding brought under 28 U.S.C. § 2255, and found that, as there was no need for an evidentiary hearing in this case at that time, the appointment of counsel is unnecessary. [Doc. 26 at 1-2]. Therefore, the Court denied Defendant's motion to appoint counsel (Doc. 22) without prejudice. *Id.* The Court finds that there is still no need for an evidentiary hearing in this case at this time, so the Court will deny

Defendant's motion to reconsider its order denying without prejudice Defendant's motion to appoint counsel (*Doc. 22*).

In addition, in Document 26, the Court found that Defendant did not establish good cause for discovery at that time. [*Doc. 26* at 2-3]. Therefore, the Court denied Defendant's motions for discovery, including Documents 4 and 23, without prejudice. The Court finds that there is still no good cause for discovery in this case at this time, so the Court will deny Defendant's motion to reconsider its order denying without prejudice Defendant's motion to produce (*Doc. 4*) and motion to compel (*Doc. 23*).

IT IS THEREFORE ORDERED that Defendant's *Motion for Reconsideration as to the Motion to Appoint Counsel* (*Doc. 32*), and *Motion to Reconsider Motion to Produce and Motion to Compel* (*Doc. 33*) are **DENIED**.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE